

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In the Matter of the Application of: Luciano Fenizia

Serial No.: 10/690,016

Confirmation No.: 4792

Filed: 10/21/2003

For: SYSTEM AND METHOD FOR DISTRIBUTING A MEDIA CONTENT FILE OVER A NETWORK

Examiner: Brian P. Whipple

Group Art Unit: 2152

Attorney Docket No.: FR920020060US1

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Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT REGARDING REASONS FOR ALLOWABILITY**

Sir:

In response to the Notice of Allowability of May 28, 2008, and having a shortened statutory period for response set to expire on August 28, 2008, please enter the following statement regarding the Examiner's statement of reasons for allowability.

### STATEMENT REGARDING REASONS FOR ALLOWABILITY

The Examiner states that claims 3 and 5 are allowed because the prior art fails to teach or suggest the subject matter of claims 3 or 5 and specifies text from each claim. Applicant respectfully agrees that claims 3 and 5 are allowable because the prior art fails to teach or disclose features of these claims. Applicant respectfully disagrees however to the extent that Examiner's statement might be interpreted to mean that the recited features are the only features that are not taught or suggested by any references. Applicant respectfully contends that claims 3 and 5, as well as canceled claims 1-2, 4, 6-10, and 12-14 are allowable for at least each reason presented in Applicant's appeal brief of March 15, 2008.

Claims 1, 4, 6-9, and 12-13 were rejected under 35 USC 102(b) as anticipated by US Publication No. 2003/0158816 (Rouse), and claims 2, 10, and 14 were rejected under 35 USC 103(a) as being unpatentable over US Publication No. 2003/0158816 (Rouse) in view of US Publication No. 2002/0120763 (Miloushev et al). Applicant does not concede in this application that the canceled claims are not patentable over the art cited by the Examiner, as the claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Claims 2, 10, and 14 were rejected under 35 USC 103(a) US Publication No. 2002/0120763 (Miloushev et al)

Sincerely,

A handwritten signature in black ink, appearing to read "Steven E. Bach". The signature is fluid and cursive, with the first name "Steven" and last name "Bach" clearly distinguishable.

Steven E. Bach

Attorney for the Applicant

Reg. No. 46,530